

STATE OF NEBRASKA WORK PLACE HARASSMENT POLICY

It is hereby declared to be the policy of the government of the State of Nebraska that all women and men are to be treated fairly and equally with dignity and respect. Any form of work place harassment is contrary to this Policy and shall be regarded as discrimination on the basis of race, color, religion, age, sex, disability or national origin. It shall be considered a violation of this Policy for any employee to engage in work place harassment or for any supervisory personnel to knowingly permit work place harassment of any employee or recipient of the agency's services. For the purpose of this Policy, the term "agency" shall mean each department, agency, office, board, commission and committee of the State of Nebraska, which either: (1) is under the executive authority of the Governor, or (2) voluntarily elects to participate in the Affirmative Action Plan of the State of Nebraska.

For the purpose of this Policy, "work place harassment" shall be defined as sexual harassment or any inflammatory comments, jokes, printed material and/or innuendo, based in whole or in part, on race, color, religion, age, disability or national origin, when:

- (1) such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;
or
- (2) such conduct interferes unreasonably with a person's work or employment opportunities.

For the purpose of this Policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests for sexual favors, and either verbal or physical conduct of a sexual nature, when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition to receipt of services by a recipient of the agency's services; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

It is further declared to be the policy of the government of the State of Nebraska that all agencies shall be obligated to eliminate all forms of discrimination in the work place and shall take immediate and appropriate action to investigate all instances of alleged work place harassment. In the event that any allegation of work place harassment is substantiated, the agency involved shall take prompt corrective action including, where appropriate, disciplinary action imposed pursuant to Title 273, Chapter 13 of the State Classified Personnel Rules and Regulations, or pursuant to such other policies, rules or regulations as may apply.

It is further declared to be the policy of the government of the State of Nebraska that all affected agencies shall have an internal agency policy pertaining to work place harassment. In order to foster the development of such internal policies, model language has been prepared for use by the agencies. This model language has been carefully drafted in order to guarantee that the policy of the government of the State of Nebraska concerning work place harassment will be thoroughly and effectively implemented on the agency level. Agencies are directed to consult with the State Affirmative Action Office prior to the implementation of any policy that would deviate from this model language.

Any individual who believes that he or she has been the subject of work place harassment is encouraged to report the alleged incident immediately to the appropriate persons as specified in the agency work place harassment policy.

Dave Heineman,
Governor